

Brian C. Rocca, Bar No. 221576  
brian.rocca@morganlewis.com  
Sujal J. Shah, Bar No. 215230  
sujal.shah@morganlewis.com  
Michelle Park Chiu, Bar No. 248421  
michelle.chiu@morganlewis.com  
Minna Lo Naranjo, Bar No. 259005  
minna.naranjo@morganlewis.com  
Rishi P. Satia, Bar No. 301958  
rishi.satia@morganlewis.com

**MORGAN, LEWIS & BOCKIUS LLP**

One Market, Spear Street Tower  
San Francisco, CA 94105-1596  
Telephone: (415) 442-1000  
Facsimile: (415) 442-1001

Richard S. Taffet, *pro hac vice*  
richard.taffet@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
101 Park Avenue  
New York, NY 10178-0060  
Telephone: (212) 309-6000  
Facsimile: (212) 309-6001

Willard K. Tom, *pro hac vice*  
willard.tom@morganlewis.com  
**MORGAN, LEWIS & BOCKIUS LLP**  
1111 Pennsylvania Avenue, NW  
Washington, D.C. 20004-2541  
Telephone: (202) 739-3000  
Facsimile: (202) 739-3001

### *Attorneys for Defendants*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

## SAN FRANCISCO DIVISION

**IN RE GOOGLE PLAY STORE  
ANTITRUST LITIGATION**

## THIS DOCUMENT RELATES TO:

*Epic Games Inc. v. Google LLC et al.*, Case No. 3:20-cv-05671-JD

*In re Google Play Consumer Antitrust Litigation*, Case No. 3:20-cv-05761-JD

*In re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD

Daniel M. Petrocelli, Bar No. 97802  
dpetrocelli@omm.com  
**O'MELVENY & MYERS LLP**  
1999 Avenue of the Stars, 7th Fl.  
Los Angeles, CA 90067-6035  
Telephone: (310) 553-6700

Ian Simmons, *pro hac vice*  
isimmons@omm.com  
Benjamin G. Bradshaw, Bar No. 189925  
bbradshaw@omm.com  
**O'MELVENY & MYERS LLP**  
1625 Eye Street, NW  
Washington, DC 20006-4001  
Telephone: (202) 383-5106  
Facsimile: (202) 383-5414

E. Clay Marquez, Bar No. 268424  
emarquez@omm.com  
**O'MELVENY & MYERS LLP**  
Two Embarcadero Center, 28th Floor  
San Francisco, CA 94111  
Telephone: (415) 984-8700  
Facsimile: (415) 984-8701

Stephen J. McIntyre, Bar No. 274481  
smcintyre@omm.com  
**O'MELVENY & MYERS LLP**  
400 South Hope Street, 18th Floor  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000  
Facsimile: (213) 430-6407

Case No. 3:21-md-02981-JD

**NOTICE OF OMNIBUS MOTION TO  
DISMISS**

Date: TBD  
Time: TBD  
Courtroom: 11, 19th Floor  
Judge: Hon. James Donato

Pursuant to the Court's Minute Entry dated April 1, 2021 (MDL Dkt. No. 18), and in accordance with the parties' Joint Case Management Statements filed on February 26, 2021 and March 25, 2021 (MDL Dkt. Nos. 8 and 11), Defendants hereby re-file their Rule 12(b)(6) motion to dismiss and the related documents, which were originally filed as Dkt. No. 91 in *Epic Games Inc. v. Google LLC et al.*, Case No. 3:20-cv-05671-JD ("Epic Action") and Dkt. No. 71 in *In re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD ("Developer Action").

These documents include:

- Defendants' Notice of Motion and Motion to Dismiss Epic Games, Inc.'s Complaint and Developers' First Consolidated Class Action Complaint, Supporting Memorandum of Points and Authorities on Common Issues (Dkt. No. 91 in the Epic Action; Dkt. No. 71 in the Developer Action) (the "Omnibus Motion");
- Separate Memorandum of Points and Authorities Re: Defendants' Motion to Dismiss Developers' Claim for Damages (Dkt. No. 91-1 in the Epic Action; Dkt. No. 71-1 in the Developer Action);
- Defendants' Request for Judicial Notice in Support of Defendants' Motion to Dismiss Epic Games, Inc.'s Complaint and Developers' First Consolidated Class Action Complaint (Dkt. No. 91-2 in the Epic Action; Dkt. No. 71-2 in the Developer Action);
- Declaration of Brian C. Rocca in Support of Defendants' Motion to Dismiss and Request for Judicial Notice (Dkt. No. 91-3 in the Epic Action; Dkt. No. 71-3 in the Developer Action); and
- [Proposed] Order Granting Defendants' Motion to Dismiss and Request for Judicial Notice (Dkt. No. 91-4 in the Epic Action; Dkt. No. 71-4 in the Developer Action).

As agreed to by all parties, the Omnibus Motion shall be deemed to have been filed with respect to all Plaintiffs in the MDL action. *See* MDL Dkt. Nos. 8 at 1-2 and 11 at 2-3. The motions shall be scheduled for oral argument on a date to be set by future Court order.

Dated: April 7, 2021

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Brian C. Rocca

Brian C. Rocca  
Attorneys for Defendants